

Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
Meeting of 6/21/16

Held at
1000 Washington Street, Boston, MA, 02118
At 10:00 a.m.
Room 1D

Board Members Present:

Patrick Driscoll
Carolyn Lindsay
Thomas O'Donnell
Paul Phaneuf
Peter Stefan (Arrived at 10:12 a.m.)

Staff Members Present:

Michael Hawley, Executive Director
Shara Benedetti, Associate Executive Director
Charles Kilb, Board Counsel
Christopher Carroll, Chief Investigator
Robert Williams, Investigator

Others Present:

Alex Acher	Allerlaroo Bessette
Kevin Mercadante	Juan Torres
Christopher Luciano	Richard Collins
Lisa Wolfson	John Duquette
Christopher Sparks	David E. Florek
John Kelly	Cheyenne Moore
Bruce Schlossberg	Kelley Molloy
John F. McGaffigan, Jr.	Michael McGaffigan
Roger Grondin	

Call to Order

Mr. O'Donnell called the meeting to order at 10:07 a.m. Board staff reviewed building evacuation procedures and noted the location of restrooms.

Investigative Session Case, Investigative Conferences, Settlement Offers: Closed session pursuant to M.G.L. c. 112, § 65C

Ms. Lindsay moved to suspend the open meeting and enter into investigative conference closed session pursuant to M.G.L. c. 112, § 65C, seconded by Mr. Driscoll. **The motion passed unanimously.**

Upon returning to open session, the Board reported the following:

The Board was updated regarding the status of pending investigations. The Board took the following actions:

EM-16-020: Dismissed without prejudice

EM-16-015: Sent to prosecutions.

EM-16-019: Tabled for July meeting.

FE-16-023: All board members signed and executed disclosures prior to review of this case. Sent to prosecutions.

SA-FE-16-022: Dismissed without prejudice.

SA-EM-16-013: Dismissed without prejudice.

SA-EM-16-017: Sent to prosecutions.

SA-EM-16-018: Dismissed without prejudice.

SA-EM-16-015: Dismissed without prejudice.

SA-EM-15-002: Dismissed without prejudice.

Executive Session- Candidate Interviews [(Closed Session Pursuant to M.G.L. c. 30A, § 21(a)(1))]

At 11:43 a.m. Mr. Phaneuf, seconded by Ms. Lindsay moved to exit the investigative session and enter into executive session for the purpose of discussing an applicant's character versus professional competence. The chair estimated the Board would return to public session in twenty minutes.

A roll call vote was taken:

Members in Favor: Mr. Phaneuf, aye; Mr. Driscoll, aye; Mr. O'Donnell, aye; Mr. Stefan, aye; Ms. Lindsay, aye.

Members Opposed: None.

At 11:56 a.m. Mr. Driscoll moved, seconded by Ms. Lindsay, to exit the executive session and re-enter the public session.

A roll call vote was taken:

Members in Favor: Mr. Stefan, aye; Mr. Phaneuf, aye; Mr. Driscoll, aye; Mr. O'Donnell, aye; Ms. Lindsay, aye.

Members Opposed: None.

Motion passed unanimously.

Reinstatement Application

The Board reviewed the petition of Joseph L. Ruggiero, Jr. to reinstate his registration which had been permanently revoked by the Board in a decision which went into effect in 2010. Legal Counsel advised the Board that it had the power to reinstate registration rights to this individual, however, to protect itself legally, it has to ensure its actions are consistent with past decisions, law, and regulations. To that effect Legal Counsel advised the Board that it should review its previous decision and then, if it desires to reinstate a revoked individual, it would utilize a consent agreement with standardized terms including, if revoked for more than a year, the Board examination as well as back continuing education. The examination requirement stems from law and is referenced in Board policy #08-01

which the Board reaffirmed in 2015. The continuing education requirement is contained in Board regulations located at 239 CMR 5.00. Board members noted that neither the examination requirement nor the continuing education requirement has a waiver provision. However, in this case, the Board did not have its previous decision. Accordingly, the Board staff will obtain and distribute to the Board its prior decision. The matter can then be placed on the next agenda to allow the Board to decide whether it wishes to permit this individual to sign a consent agreement reinstating registration rights, or not. Therefore, by unanimous consent, the matter was tabled for the July meeting without formal action.

At 12:38 p.m. the Board adjourned for lunch. Mr. O'Donnell announced that the Board would return at 1:15 p.m.

Lunch Break

At 1:20 p.m. the public session resumed.

Application Review:

Type-6 – Review and vote on applications

The Board met with the following Type-6 applicants:

- Christopher Sparks
- Lisa Wolfsen

Ms. Lindsay moved to accept the above applicants, seconded by Mr. Phaneuf. All in favor. **Motion passed unanimously.**

Apprentices – Review and vote on applications

The Board met with the following Funeral Apprentice applicants:

- Allerlaroo Bessette
- Cheyenne Moore

Ms. Lindsay moved to accept the above applicants, seconded by Mr. Phaneuf. All in favor. **Motion passed unanimously.**

- Jessica Coutler: Not present. Application tabled for July meeting.

Funeral Assistants, First Time - Review and vote on applications

The Board met with the following Funeral Assistant applicants:

- John Duquette
- Michael McGaffigan
- Kelley Molloy

Ms. Lindsay moved to accept the above applicants, seconded by Mr. Phaneuf. All in favor. **Motion passed unanimously.**

Funeral Assistants (Transition from Apprentice)- Review and vote on applications

- David Florek
- Juan Torres

Ms. Lindsay moved to accept the above applicants, seconded by Mr. Phaneuf. All in favor. **Motion passed unanimously.**

- James Lannon, Jr.: Not present. Application is tabled for July meeting.

Establishment Certificate Applications

- Russell & Pica Funeral Home

Ms. Lindsay moved to accept the above establishment application, seconded by Mr. Phaneuf. All in favor. **Motion passed unanimously.**

Wall Certificates

- Alexander Gross
- Richard Snyder
- Conte-Roberts and Giamberardino

All wall certificates were signed.

CEU Provider Applications

Cremation Association of North America

- CANA's 98th Annual Cremation Innovation Convention

Elite Continuing Education

- 21st Century Trends in the Funeral Industry
- Infectious Disease Control
- Cremation: The Facts
- Modern Restorative Art and Embalming Techniques
- Current Trends in the Funeral Industry
- Aftercare-Extending a Helping Hand All Year Round

Funeral Service Academy

- Embalming: Autopsies and Organ/Tissue Donors
- Embalming: Diseases and Conditions
- Grief and Cultural Competence: Hispanic Traditions
- Grief and Cultural Competence: Jewish Traditions
- Grief and Cultural Competence: The African American Diaspora

ICCFA

- 2016 ICCFA University

MKJ Marketing

- Receptions and Event Planning: The Advanced Course
- Growing your Online Influence to Reach Funeral and Cremation Consumers

NFDA

- How Green Burials Help Families Rediscover Meaning in Funeral Service
- Embalming & Reconstructive Surgery Techniques for Trauma Cases
- Twitterrific: Making Twitter Work for You
- Managing Conflict in a Family Business
- Transformational Funeral Service: Gaining a Competitive Edge
- OSHA Overview 101
- An Inconvenient Death: The Funeral from Ritual to Disposal
- How Green Burials Help Families Rediscover Meaning in Funeral
- How to Establish Credibility as a Young Funeral Director

- Improving Outcomes for Families Following Donation or Autopsy
- Be the Best Crematory Operator in your Community
- Once Size Doesn't Fit All
- Are you Secure? (No, You're Not!) Digital Security and You
- Filling the Void: Why Funeral Directors Must Become Ritual
- All Stressed Out and Ready to Blow
- What I Wished my Funeral Director Knew: Supporting Pregnancy Loss
- Discovering what Consumers Want: The Value of Providing a Meaningful Funeral Experience
- Defend Your Business: A Guide to Modern Funeral, Crematory and Cemetery Litigation
- The Continuum of Care: Is Your Funeral Home Inside the Circle of Trust
- Reinventing Your Funeral Home: Five Keys to Sustained Profitability
- Embalming Tips You Never Learned in School
- Reinventing Your Funeral Home: Five Keys to Sustained Profitability
- Guaranteeing Profit in the World of Cremation
- Opening Session: The Go-Giver Way: Influence, Success & Profit
- FTC Undercover Shopping: Are You Ready?
- Innovative Cosmetic and Restoration Techniques
- Leadership From the Inside Out
- The Science of Shopping: Make Your Product Sell Itself
- Embalming and Body Preparation: Stop Dropping the Ball
- Survey Says! Inside the Numbers
- Helping Families After Suicide Loss
- Are You in the 40 Percent? Planning for Succession
- Having it My Way-Serving Today's Consumer
- How Speaking Frankly to Families Saved My Business
- How "Have the Talk" Can Bring Families to Your Funeral Home
- Avoid Common Missteps and Resolve Consumer Complaints
- The Grand Finale: Funeral Event Planning
- Connecting with the World's Most Powerful Consumer
- Our Past is Not a Prologue to Our Future
- Caring for Fluffy & Fido: How Pet Services Can Benefit Your Business
- Differentiating Your Business in the Experience Economy
- Closing Session: You Are What You Need
- 2016 NFDA International Convention EXPO
- NFDA Arranger Training-Richmond, VA
- NFDA Home Study-2016 Annual All-Staff Training with the FTC Rule
- Hospice from the Inside Out
- Leadership Today
- Breakout by Office
- Arranger Training...Like you Have Never Experience Before
- Tough Talking: Initiating and Managing Difficult Discussions
- Road to Relevance: Five Strategies for Competitive Associations

- Proposed Revisions to Wage and Hour Regulations

Selected Independent Funeral Homes

- 2016 Annual Meeting

Mr. Driscoll, moved, seconded by Mr. Phaneuf, to accept the above CEU provider applications. All in favor. **Motion passed unanimously.**

Review of Minutes

The Board reviewed the minutes of the meeting held on May 17, 2016.

Ms. Lindsay moved, seconded by Mr. Phaneuf, to accept the minutes of the meeting held on May 17, 2016.

Motion passed unanimously.

Schedule Next Board Meeting

After discussion, the Board decided to hold one meeting during the month of July and August. The Board scheduled the next board meetings for July 19, 2016 and August 16, 2016. The meetings previously scheduled for July 5, 2016 and August 2, 2016 are cancelled.

Report from Executive Director Michael Hawley

Mr. Hawley reported that Board staff has begun testing the converted data and has identified issues that will be corrected by E-Licensing staff. Mr. Hawley expects the new system to be implemented either on August 22, 2016 or August 29, 2016. Mr. Hawley indicated that staff will be sending out renewal forms prior to the implementation of the new system so that licensees will be able to renew the usual way this year.

Report from Legal Counsel, Charles Kilb

Mr. Kilb reported that the Executive Office of Administration and Finance has reviewed the new regulations and has inquired why the Board in the new regulations has exempted itself from having to fulfill the CEU requirement for licensees. Mr. Kilb indicated that he has responded to the inquiry.

New Establishment Application

The Board reviewed the draft of the new establishment certificate application. Ms. Lindsay moved to approve the new application, seconded by Mr. Driscoll. All in favor. **Motion passed unanimously.**

Report from Christopher Carroll, Chief Investigator

Mr. Carroll had nothing to report during the public session. No formal action taken.

Open session for topics not reasonably anticipated 48 hours in advance of meeting:

Mr. O'Donnell requested a report on all funeral establishments who fail to send in a pre-need report for the July board meeting.

3:26 p.m. Adjournment

Ms. Lindsay moved to adjourn the meeting. Mr. Driscoll seconded.

Motion passed unanimously.

Respectfully submitted,



Shara Benedetti
Associate Executive Director

List of Documents used at the meeting:

Agenda for meeting held on June 21, 2016

Minutes from meeting held on May 17, 2016

Establishment Certificate Application

Applications

Type 6

- Christopher Sparks
- Lisa Wolfsen

Apprentices

- Allèrlaroo Bessette
- Jessica Coutler
- Cheyenne Moore

Funeral Assistants (1st time)

- John Duquette
- Michael McGaffigan
- Kelley Molloy

Funeral Assistants (transition from Apprentice)

- David Florek
- James Lannon, Jr.
- Juan Torres

Establishment Certificate Applications

- Russell & Pica Funeral Home

Reinstatement Application

- Joseph L. Ruggiero

Wall Certificates:

- Alexander Gross
- Richard Snyder
- Conte-Roberts and Giamberardino

CEU Provider Applications:

Cremation Association of North America

- CANA's 98th Annual Cremation Innovation Convention

Elite Continuing Education

- 21st Century Trends in the Funeral Industry
- Infectious Disease Control
- Cremation: The Facts
- Modern Restorative Art and Embalming Techniques
- Current Trends in the Funeral Industry
- Aftercare-Extending a Helping Hand All Year Round

Funeral Service Academy

- Embalming: Autopsies and Organ/Tissue Donors
- Embalming: Diseases and Conditions
- Grief and Cultural Competence: Hispanic Traditions
- Grief and Cultural Competence: Jewish Traditions
- Grief and Cultural Competence: The African American Diaspora

ICCFA

- 2016 ICCFA University

MKJ Marketing

- Receptions and Event Planning: The Advanced Course
- Growing your Online Influence to Reach Funeral and Cremation Consumers

NFDA

- How Green Burials Help Families Rediscover Meaning in Funeral Service
- Embalming & Reconstructive Surgery Techniques for Trauma Cases
- Twiterrific: Making Twitter Work for You
- Managing Conflict in a Family Business
- Transformational Funeral Service: Gaining a Competitive Edge
- OSHA Overview 101
- An Inconvenient Death: The Funeral from Ritual to Disposal

- How Green Burials Help Families Rediscover Meaning in Funeral
- How to Establish Credibility as a Young Funeral Director
- Improving Outcomes for Families Following Donation or Autopsy
- Be the Best Crematory Operator in your Community
- Once Size Doesn't Fit All
- Are you Secure? (No, You're Not!) Digital Security and You
- Filling the Void: Why Funeral Directors Must Become Ritual
- All Stressed Out and Ready to Blow
- What I Wished my Funeral Director Knew: Supporting Pregnancy Loss
- Discovering what Consumers Want: The Value of Providing a Meaningful Funeral Experience
- Defend Your Business: A Guide to Modern Funeral, Crematory and Cemetery Litigation
- The Continuum of Care: Is Your Funeral Home Inside the Circle of Trust
- Reinventing Your Funeral Home: Five Keys to Sustained Profitability
- Embalming Tips You Never Learned in School
- Reinventing Your Funeral Home: Five Keys to Sustained Profitability
- Guaranteeing Profit in the World of Cremation
- Opening Session: The Go-Giver Way: Influence, Success & Profit
- FTC Undercover Shopping: Are You Ready?
- Innovative Cosmetic and Restoration Techniques
- Leadership From the Inside Out
- The Science of Shopping: Make Your Product Sell Itself
- Embalming and Body Preparation: Stop Dropping the Ball
- Survey Says! Inside the Numbers
- Helping Families After Suicide Loss
- Are You in the 40 Percent? Planning for Succession
- Having it My Way-Serving Today's Consumer
- How Speaking Frankly to Families Saved My Business
- How "Have the Talk" Can Bring Families to Your Funeral Home
- Avoid Common Missteps and Resolve Consumer Complaints
- The Grand Finale: Funeral Event Planning
- Connecting with the World's Most Powerful Consumer
- Our Past is Not a Prologue to Our Future
- Caring for Fluffy & Fido: How Pet Services Can Benefit Your Business
- Differentiating Your Business in the Experience Economy
- Closing Session: You Are What You Need
- 2016 NFDA International Convention EXPO
- NFDA Arranger Training-Richmond, VA
- NFDA Home Study-2016 Annual All-Staff Training with the FTC Rule
- Hospice from the Inside Out
- Leadership Today
- Breakout by Office
- Arranger Training...Like you Have Never Experience Before

- Tough Talking: Initiating and Managing Difficult Discussions
- Road to Relevance: Five Strategies for Competitive Associations
- Proposed Revisions to Wage and Hour Regulations

Selected Independent Funeral Homes

- 2016 Annual Meeting